

Approved Minutes
Nevada State Emergency Response Commission
2nd Quarterly Meeting
NV State Employment, Training & Rehabilitation Bldg.
1325 Corporate Blvd.
Reno, Nevada
April 14, 2005

Members Present

B. Jim Reagan
Richard Brenner
Susan Crowley
L. Tom Czehowski
Carl Byrd
Larry Farr
Jim O'Brien via phone
Brett Skinner via phone
Richard Mirgon via phone
Frank Siracusa via phone

Members Absent

Verl Jarvie
Lawrence Jacobsen
John Helmreich
Senator Nolan
Jolaine Johnson
Douglas Webb
Doyle Sutton

Guests

Stacey Giomi
Russel Peacock
Mike Ardito
Bruce Hicks
Steve Cochrane
Dennis Pinkerton
Dave Bowman
Craig Nixon
Brent Jones

Staff

Karen Kennard
Cheryl Folkers
Bruce Ferrel

I. Call to Order

Richard Brenner called the meeting to order at 10:02 a.m.

II. Introductions

Members, guests and staff introduced themselves as shown above.

III. Approval of January 13, 2005 Meeting Minutes

L. Tom Czehowski motioned to approve the minutes of the January 13, 2005 meeting. Susan Crowley seconded the motion which was approved unanimously.

IV. Public Comment

There was no public comment.

V. New Business

A. Local Emergency Planning Committee Updates (attending LEPC Representatives)

Carson City- No report.
Churchill- No report.
Clark- No report.
Douglas- No report.
Humboldt-

Steve Cochrane stated the LEPC will have a meeting next week and will be reporting on the grant funding. The Humboldt LEPC has coordinated a meeting with SERC and the Division of Emergency Management for June 6, 2005 to give a presentation on what each state agency has to offer the LEPC and the available funding to the LEPCs. The Humboldt County Commissioners and the City

Lander-

Council have been invited to attend the meeting. The Humboldt LEPC has also invited Pershing, Lander and Elko Counties to attend the meeting in June. Mr. Cochran will be giving staff a tour of the Cyanco facility and Rob Denison will be giving a tour of the Twin Creeks Mine. Carl Byrd stated the LEPC had a meeting with the County Commissioners where the grant applications was presented and approved. The LEPC is requesting a change in their county ordinance. The ordinance prohibits any county employee or elected officials from serving on "category four" committees, which affects the LEPC. The Assistant District Attorney is reviewing and will provide an opinion soon on this issue. Mr. Byrd may have to request the help of the SERC, if the opinion comes back not to change the current ordinance. Mr. Byrd has requested at least one Commissioner attend the SERC presentation in Humboldt County, which will take place the first week in June. The county will have a safety day on April 23, 2005. The LEPC will be in attendance to educate the community on the role the LEPC provides to the county.

*Mineral-
Nye-*

No report.

Brent Jones stated Mr. Brenner gave a presentation at their LEPC meeting last month. There was good participation at the meeting. The next meeting in May will be held in Tonopah and their first drill is planned for June.

*Washoe-
White Pine-*

No report.

Russ Peacock stated the LEPC is in the process of changing their bylaws and they are also working on the hazmat annex. The LEPC is currently working on NIMS.

B. U.S. Environmental Protection Agency Update – Mike Ardito

Mike Ardito passed out a newsletter for everyone to review.

- President Bush nominated Stephen Johnson, the acting administrator of the EPA, to head the EPA.
- EPA Region 8 and Region 10 have indicated they will join Region 9 for the western regions program conference on Thursday, November 17, 2005 as part of Hazmat Explo.
- Mr. Ardito handed out 2004 Emergency Response Guidebooks.
- The EPA continues to meet with the Truckee River Planning Group almost monthly. There is a functional tabletop exercise in Truckee, CA on May 11 – 12, 2005. Federal, state, local and tribal agencies will be involved in the exercise.
- The EPA will issue their 2005 Progress Report for Earth Day. The report will also be available electronically on the EPA website at:
www.epa.gov/region09/annualreport/index.html.
- The new National Response Plan, required by a Homeland Security Presidential Directive, was signed last December.

- EPA Region 9 completed a template for the LEPC Counter-Terrorism Annex.
- EPA decided to make the new Homeland Security Research Center permanent. Information is available from the Homeland Security Research Center at their website: www.epa.gov/nhsrc.
- On March 23, 2005 a landslide damaged a 14-inch diameter pipeline resulting in the release of over 100,000 gallons of crude oil that traveled down Posey Canyon into Pyramid Lake, Los Angeles County, CA.
- EPA completed the first phase of an emergency removal of radiation contamination from a warehouse complex in North Hollywood, CA.

C. U.S. Federal Emergency Management Agency Update – James MacAulay

Mr. Ardito stated Jim MacAulay wanted to attend the SERC meeting today but he was attending an exercise. Mr. Ardito updated with the following information from FEMA:

- The Office of Domestic Preparedness will have a Homeland Security Assistance Program workshop at FEMA Region 9 on May 5-6, 2005 to follow the Regional Interagency Steering Committee meeting on May 4, 2005.
- On March 2, 2005 the U.S. Department of Homeland Security announced \$91.3 million in grant funding to protect and secure areas surrounding critical infrastructure and key resource sites.

D. Occupational Safety and Health Administration Update – L. Tom Czehowski

L. Tom Czehowski, OSHA, stated OSHA has been involved with the National Response Plans. OSHA recently released their “Best Practice” guides for hospital base first receivers.

E. Nevada Division of Emergency Management Update – Frank Siracusa

Frank Siracusa, Emergency Management, stated the Division is managing three Presidential Declarations. The Division is also finishing the 2005 Homeland Security grant allocations. They are working on a new State Comprehensive Emergency Management plan which will include NIMS.

F. Nevada Division of Environmental Protection Update – Jolaine Johnson
No report.

G. Nevada State Fire Marshal Update – Doyle Sutton

Dave Bowman, Asst. Fire Marshal, stated the Director of the Department of Public Safety (DPS), George Togliatti, is combining all sworn officers into one series through the Legislature. The hazmat inspectors will be involved with locals as a liaison to help develop response plans. The SFM will also be involved with the Federal Task Force for Drug Interdictions. The SFM Training Division has adopted and approved the current versions of the International Fire Service Accreditation Congress (IFSTA) Hazmat Curriculum for the awareness and operations levels. SERC grant funds provided the funding for a new hazmat truck which is now used as part of the hazmat mobile team. The current goal of the SFM is to develop a regional training center in the current training regions and later provide several larger

training centers in Nevada. The SFM is being considered for a grant to open an Alert Environmental Response Training Center in Las Vegas for DPS.

H. Legislative Committee Report

1. Discussion on migration of SERC policies to the Nevada

Administrative Code (NAC). Policies to be considered are revised policies 8.1, "Review of Annual Hazardous Materials Response Plan and Exercise Report form;" 8.2, "Grant Application, Grant Awards;" 8.6, "Reporting;" 8.12, "Appeal Process."

Karen Kennard, Executive Director, stated the Legislative Committee had a meeting March 9, 2005. The Legislative Committee has recommended changes to policies be incorporated into the NACs to the SERC. No action was taken.

2. Discussion on possible revisions to NAC to change requirement of grantees submitting financial reports at least quarterly

The Legislative Committee is recommending to the SERC to change NAC to provide a financial report quarterly instead of within thirty days of the expenditure. Mr. O'Brien motioned to have the NACs changed to reflect having financial reports provided at least quarterly. Ms. Crowley seconded the motion which was approved unanimously.

3. Discussion on possible revision to Nevada Revised Statute (NRS) and/or Nevada Administrative Code (NAC) to include a definition of "manufacture for transport" of extremely hazardous materials as referenced in NRS 459.744 (3)

The Legislative Committee recommended to change NRS in the next Legislative session and to have the Policy Committee develop an interim policy regarding the "manufacture for transport" as part of NRS. The Policy Committee met this morning and recommended developing a definition for "manufacture for transport" which would be a part of the NAC process. No action was taken.

I. Strategic Planning Committee Report

The Committee has not met since the last SERC meeting.

J. Funding Committee Report

1. Discussion on possible use of "United We Stand" license plate revenue instead of SERC fee revenue to fund the continuing grant to Clark County for the support of Hazmat Explo

Ms. Kennard stated there was approximately \$172,000 in license plate revenue. After discussion Ms. Crowley motioned to use \$50,000 of the license plate funds to fund Hazmat Explo. Mr. Czehowski seconded the motion which was approved unanimously.

2. Discussion of 2006 SERC grant applications and review of Funding Committees recommendations

Ms. Kennard advised the Commission on the Funding Committee's recommendations.

The Commission discussed item M, before continuing with item J. After review of the grant applications the following was awarded to the LEPCs and the State Fire Marshal's Office.

Carson City- Ms. Crowley motioned to approve grant application as recommended by the Funding Committee. Mr. Czehowski seconded the motion which was approved unanimously.

<i>Churchill-</i>	Ms. Crowley motioned to approve grant application as recommended by the Funding Committee. Mr. Czehowski seconded the motion which was approved unanimously.
<i>Clark-</i>	Mr. Farr motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements. Ms. Crowley seconded the motion which was approved unanimously with Mr. O'Brien abstaining.
<i>Douglas-</i>	Mr. Reagan motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements. Mr. Farr seconded the motion which was approved unanimously with Mr. Mirgon abstaining.
<i>Elko-</i>	Ms. Crowley motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements and receiving an itemized quote for the computer or approving the "standard equipment list" price of \$2,300 if quote is not received. Mr. Byrd seconded the motion which was approved unanimously.
<i>Esmeralda-</i>	Ms. Crowley motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements. Mr. Czehowski seconded the motion which was approved unanimously.
<i>Eureka-</i>	Mr. Czehowski motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements. Ms. Crowley seconded the motion which was approved unanimously.
<i>Humboldt-</i>	Mr. Farr motioned to approve grant application as recommended by the Funding Committee. Mr. Reagan seconded the motion which was approved unanimously.
<i>Lander-</i>	Ms. Crowley motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements. Mr. Brenner seconded the motion which was approved unanimously with Mr. Byrd abstaining.
<i>Lyon-</i>	Mr. Czehowski motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements. Mr. Byrd seconded the motion which was approved unanimously.
<i>Mineral-</i>	Ms. Crowley motioned to approve grant application as recommended by the Funding Committee. Mr. Czehowski seconded the motion which was approved unanimously.
<i>Nye-</i>	Mr. Czehowski motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements. Mr. Brenner seconded the motion which was approved with Mr. Mirgon and Mr. O'Brien opposing.

- Pershing-* Mr. Byrd motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements and awarding the “standard equipment list” price for the SCBAs. Mr. Farr seconded the motion which was approved unanimously.
- Storey-* Mr. Czehowski motioned to approve grant application as recommended by the Funding Committee. Ms. Crowley seconded the motion which was approved unanimously.
- Washoe-* Mr. Reagan motioned to approve grant application as recommended by the Funding Committee contingent on meeting the administrative requirements and with the exception of funding the “standard equipment list” price for the SCBAs. Mr. Czehowski seconded the motion which was approved unanimously.
- White Pine-* Ms. Crowley motioned to approve grant application as recommended by the Funding Committee with the exception of the ARFF training. Mr. Czehowski seconded the motion which was approved unanimously.
- Fire Marshal-* Mr. Reagan motioned to approve grant application as recommended by the Funding Committee with the exception of the AEDs. Ms. Crowley seconded the motion which was approved unanimously.

K. Bylaws Committee Report

The Committee has not met since the last SERC meeting.

L. Information Technology Committee Report

The Committee has not met since the last SERC meeting.

M. Policy Committee Report

This item was taken out of order. This item was discussed after item J, 1.

1. **Discussion on possible revision of SERC policy 8.1, “Annual Hazardous Materials Response Plan Review,” to include effects of failure to properly exercise plan and submit report form**
Ms. Kennard stated SERC policy 8.1 includes the requirement to have LEPCs conduct an exercise and submit an exercise report. Failure to conduct an exercise and submit an exercise report could suspend unencumbered grant funds and jeopardize future grant funds. Ms. Crowley motioned to approve SERC policy 8.1 as submitted. Mr. Byrd seconded the motion which was approved unanimously.
2. **Discussion on SERC policy 8.2, “Grant Application, Grant Awards,” to allow awarding of available Hazardous Materials Emergency Preparedness (HMEP) grant funds throughout the year**
SERC policy 8.2 provides a procedure for a “midcycle” grant application. Ms. Crowley motioned to approve SERC policy 8.2 as submitted with adding the word “midcycle” on page three, paragraph B, to the second sentence. Mr. Farr seconded the motion which was approved unanimously.
3. **Discussion on revision to SERC policy 8.2, “Grant Application, Grant Awards,” and SERC policy 8.5, “Funding of Grants,” regarding non-reimbursement of grant funds to LEPCs for training which was not attended**

SERC policy 8.5 states the LEPCs will not be reimbursed for training which was not attended. Ms. Crowley motioned to approve SERC policy 8.5 as submitted. Mr. Farr seconded the motion which was approved unanimously.

4. Discussion on revising SERC policy 8.2, “Grant Application, Grant Awards,” to require copy of LEPC minutes approving grant request be included with grant application submitted to SERC

SERC policy 8.2 was approved under “New Business”, section M.1.

5. Discussion on developing an interim policy for clarification of Nevada Revised Statutes (NRS) 459.744 (3) regarding fees for “manufacture of transport,” as expressed in statute, of an extremely hazardous material

The Policy Committee directed staff to clarify by definition the term “manufacture for transport.” The definition will then be placed in NACs.

6. Discussion on SERC policy 8.12 to provide grantees with an appeal process

After review of the SERC policy, Mr. Czehowski motioned to approve SERC policy 8.12 as submitted. Ms. Crowley seconded the motion which was approved unanimously.

N. Discussion of 2006 USDOT, Hazardous Materials Emergency Preparedness Grant application request and providing Co-chairs final authority to approve submission of application

After discussion Mr. Farr motioned to authorize the Co-chairs to approve the grant application. Mr. Czehowski seconded the motion which was approved with Mr. O’Brien opposing.

O. Discussion on possible approval of using SERC funds for purchase of office furniture

Staff is looking to move into new office space and requested SERC funds to purchase office furniture. After discussion Mr. Farr motioned to authorize staff to spend up to \$5,000 for purchase of office equipment or for any required construction of the office space. Ms. Crowley seconded the motion which was approved unanimously.

P. Discussion on possible purchase and implementation of hazardous materials Tier II database to replace Nevada Chemical Database (NCFD)

Ms. Kennard stated Public Safety Information Technology quoted a price of \$120,000 for hardware. After research, Ms. Kennard was able to have the price reduced to \$64,000. Of that amount, \$40,000 is for an Oracle software license. This cost may be reduced if a SQL license is purchased instead. The other issue is the security of the program. The Department of Public Safety, Information Technology requires a three tier security for all programs. The current program has two tier security. The other option is having Intelligence Decisions Systems, Inc. (IDSi) house the database. This would cost approximately \$450 a month. This cost has been written into the 2006 – 2007 budget. Ms. Kennard and Mr. Mirgon will set a meeting with the State Department of Information Technology to find out what options are available. The GIS portion of the program has been put on hold at this time. There was no action taken.

Q. Executive Director Report

Ms. Kennard updated the Commission on the following:

- The Bill Draft Request to apply fee cap to TRI reports has passed the Senate and Assembly Ways and Means.
- The office space staff was looking at fell through. With the help of Stacey Giomi, Carson City LEPC, staff is currently looking at space the City is leasing.
- As of April 4, 2005 there have been approximately 6,900 “United We Stand” license plates sold. This brings in a total of \$172,000 in funds.
- Ms. Kennard, Mr. Brenner and Bruce Ferrel attended the N.A.S.T.T.P.O. conference the first week in April. There was a share fair where each of the states discussed their successes. Many states are having the same issues with databases. The HMEP grant is expected to increase the next federal fiscal year.
- The Hazmat Explo Committee is in the process of sending out bids for the conference coordinator. They expect to have a contract signed by May 17, 2005. The conference dates will be November 14 – 17, 2005.
- The Illinois lawsuit is having a status hearing on June 17, 2005.

VI. Adjournment

The meeting was adjourned at 1:15 p.m.